

In The High Court of Judicature for Rajasthan
At
Jaipur Bench, Jaipur

O R D E R

In

S.B. Criminal Misc. Bail Application No.7538/2006
Manohar Lal Vs. State of Rajasthan

Date Of Order :: 5th December, 2006

Hon'ble Mr. Justice Jitendra Ray Goyal

Mr. Anil Kumar Sharma, counsel for petitioner.
Mr. R.P. Kuldeep, Public Prosecutor for State.

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Heard learned counsel for accused petitioner, learned Public Prosecutor for the State, perused the case diary and other material produced during the course of arguments.

It is contended on behalf of the accused petitioner that he is a constable in the Central Reserve Police Force and posted at Srinagar. It is also submitted that from 28/8/2005 to 3/6/2006 he was on duty which is evidence from his duty certificate. It is also submitted that the complainant did not come at her matrimonial home and she was continuously staying at her parents house where she developed some illicit relations with some Madan Swami and became pregnant and she delivered a child on 23/8/2006 which is also evident from the birth certificate issued by Medical Officer, Ajeetgarh and it is clear that the complainant was having illicit relations with some another person and due to that relations she gave birth to a child. It is further submitted that on knowing this the accused petitioner filed a petition for divorce mentioning all these reasons and after knowing about that petition the complainant lodged this false complaint.

Learned Public Prosecutor opposed the bail application.

Without making any observations on merits, having considered the rival submissions made at the bar, material on record, all other facts and circumstances and also keeping in view the duty certificate of the accused petitioner as well as the birth certificate issue by the Medical Officer, Government Hospital, Ajeetgarh whereby it is certified that Chhoti W/o Manohar Swami delivered a child, I deem it proper to grant the benefit of pre-arrest bail to accused petitioner Manohar Lal.

In the result, the bail application is allowed and it is directed that in the event of arrest of petitioner Manohar Lal S/o. Sunda Ram, he shall be released on bail by the concerned SHO/Investigating Officer in FIR No.166/2006 registered at Police Station Ajeetgarh, District Sikar provided he furnishes a personal bond in the sum of Rs.10,000/- together with two sureties each in the sum of Rs.5,000/- to the satisfaction of the concerned SHO/Investigating Officer on the following conditions :-

1. that he shall make himself available for interrogation by a police officer as and when required;
2. that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or any police officer; and
3. that he shall not leave India without previous permission of the Court.

(J.R. Goyal),J

**VS Shekhawat/-
Jr. P.A.**